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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,196	03/26/2001	Jean-Michel Traynard	112740-171	3722

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EXAMINER

PHU, SANH D

ART UNIT PAPER NUMBER

2682

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,196

Applicant(s)

TRAYNARD ET AL.

Examiner

Sanh D Phu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Applicant's Response filed on 2/10/05.

Claim Rejections – 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11–20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii et al (5,862,487), previously cited, in view of Bark et al (2002/0077138), previously cited.

Regarding to claims 11 and 18, see figures 5–9, and col. 5, line 43 to col. 7, line 52, Fujii et al discloses a method (see figure 5) comprising:

step (inherently included) of registration signaling in a signaling channel, from a radio station (6) to base station, (3) during a location registration (see col. 7, lines 44–45), (said registration signaling can considered here as equivalent as step of signaling a request for a number of transmission channels

for communication connections from the radio station to the base station because upon receiving this location registration, the base station then allocates a number of transmission channel connections for the ratio station (see col. 5, lines 50–55 and col. 7, lines 44–52); and

step (inherently included) of receiving said request at the base station; step of signaling, from the ratio station to the base station, additional information about transmission conditions (e.g., field strength, reception levels) of the communication connection in the signaling channel (see col. 5, lines 55–63, col. 6, lines 42–54 and col. 7, lines 34–37).

Fujii et al further discloses step of signaling on a further signaling channel for allocating the requested number of transmission channels to the radio station (see col. 5, lines 50–55 and col. 7, lines 44–52).

Fujii et al does not disclose step of evaluating and using the additional information by the base station for controlling a transmitting power for said further signal channel.

However, it is well-recognized in the art that power control for signal transmissions on communication channels is necessary for avoiding

interference among these channels (see Bark et al, section [0002]). Further, transmission power control at a transmitter, based on feedback on the transmission condition from a receiver at the other communication end, is well-known in the art (see Bark et al, section [0006]).

Therefore, it would have been obvious for a person skilled in the art, when building or carrying out Fujii et al invention, to implement step of evaluating and using the additional information on the transmission condition for controlling a transmitting power for said further signal channel in order to avoid interference with other concurrent channels.

Regarding to claim 12, Fujii et al discloses the step (31, 33, 34, 35, 36) (see figure 8) for determining, by the radio station, as additional information a received level for a general signaling channel, sent by the base station with a constant transmitting power (see col. 6, lines 16–19), with general information about the radio communication system (see col. 5, lines 55–63).

Regarding to claim 13, Fujii et al discloses that the radio station determines, as additional information, information on a received levels of channels (see col. 6, lines 35–55).

Regarding to claim 14, Fujii et al discloses the step (figure 5) for performing a subscriber separation according to a TDMA method, a transmission channel being defined by a frequency band, a time slot and a code (see figure 6, and col. 5, line 43–55 and col. 6, lines 6–28).

Regarding to claim 15, Fujii et al discloses the step (see figures 10, 14 and 15) for determining and signaling (down link and uplink signal) to the base station, via the radio station, a respective interference situation in the time slot as additional information (see col. 7, line 53 to col. 9, line 61).

Regarding to claim 16, Fujii et al discloses the step (see figures 10, 11, 14 and 15) for using the additional information by the base station for selecting at least one suitable time slot in which the number of transmission channels is allocated (see figures 10, lines 53–59).

Regarding to claim 17, Fujii et al discloses that the information is transmitted in accordance with a TDD method, the information being transmitted from the radio station to the base station and from the base station to the radio station separated in time in a frequency (see figures 10, lines 53–59).

Claim 19 is rejected with similar reasons set forth for claims 14, 16 and 17.

Regarding to claim 20, Fujii et al discloses that the base station is part of at least a mobile radio station and a wireless subscriber access system (see figure 5).

Response to Arguments

4. Applicant's arguments filed on 2/10/05 have been fully considered but they are not persuasive.

The applicant mainly argues that with respect to independent claims 11 and 18, it would not obvious that the combination of Fujii et al and Bark et al discloses the limitation "evaluating and using the additional information by the base station for controlling a transmit power for a further signaling channel for allocating the requested number of transmission channels to the radio station" as recited in claim 11 and similarly recited in claim 18.

The examiner respectfully disagrees. With respect to claims 11 and 18, as being explained above in this Office Action, Fujii et al discloses that the base station (3) receives additional information about transmission conditions (e.g.,

field strengths, reception levels) as a feedback from the radio station (6) (see figure 5, col. 5, lines 55–63, col. 6, lines 42–52 and col. 7, lines 34–37), and the base station transmits signals on a further signaling channel for allocating the requested number of transmission channels to the radio station (see col. 5, lines 50–55 and col. 7, lines 44–52). Fujii et al does not discloses step of evaluating and using the additional information by the base station for controlling the transmitting power of signaling on said further channel, as claimed in claim 11 and similarly claimed in claim 18. Bark et al teaches that a transmitter can control the power of a signal to be transmitted on a channel to a receiver by receiving a feedback signal sent from the receiver indicating the reception level of a signal transmitted from the transmitter and received at the receiver, and from thereto, uses and evaluates the feedback signal to know at what power level the transmitted signal was received at the receiver so that the transmitter appropriately adjusts its transmit power level (see section [0006]). Since, it is well-recognized in the art that power controlling for signal transmissions on a channel is necessary for avoiding interference with other concurrent channels (see Bark et al, section [0002], it would have been obvious

that in Fujii et al, that transmission power of signaling on the further channel should be controlled in order to avoid interference with other concurrent channels used in the systems A and B (see figure 5). Therefore, for an application, it would have been obvious for one skilled in the art to implement Fujii et al invention, as taught by Bark et al, in such a way that the base station (3) (see figure 5) would perform using and evaluating additional information about transmission conditions (e.g., field strength, reception levels), being fed back from the radio station (6), in order to know at what power level transmitted signals, having been transmitted from the base station, was received at the receiver so that the base station would appropriately adjust its transmit power level on the further signaling channel so that transmission power of signaling on the further channel should be controlled in order to avoid interference with other channels concurrently used in the systems A and B.

Based on the above rationale, it is believed that the limitations of claims are still met and therefore, the rejections are still maintained.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703)305-8635. The examiner can normally be reached on 8:00-16:30.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sanh D. Phu
Examiner
Art Unit 2682

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